

14 set out in this chapter and to administer and enforce the laws relative  
15 thereto."

Approved May 9, 1957.

## CHAPTER 103

### FERTILIZERS

H. F. 163

AN ACT to regulate the manufacture, distribution and sale of mixed fertilizers, fertilizer materials, commercial fertilizers and soil amendments and to repeal chapter two hundred (200), Code 1954, as amended by chapter one hundred seventeen (117), Acts of the Fifty-sixth General Assembly.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. **Title.** This Act shall be known and may be cited by  
2 the short title of the "Iowa Fertilizer Law".

1 SEC. 2. **Enforcing Official.** This Act shall be administered by the  
2 secretary of agriculture of the state of Iowa, hereinafter referred to  
3 as the secretary.

1 SEC. 3. **Definitions of Words and Terms.** When used in this Act:

2 1. The term "fertilizer material" means any substance containing  
3 nitrogen, phosphorous,\* potassium, or any recognized plant nutrient  
4 element or compound which is used for its plant nutrient content or  
5 for compounding mixed fertilizers except unmanipulated animal and  
6 vegetable manures, lime, limestone, marl, and unground bones.

7 2. The term "unmanipulated manures" means any substances com-  
8 posed primarily of excreta, plant remains, or mixtures of such sub-  
9 stances which have not been processed in any manner.

10 3. The term "mixed fertilizer" means any combination or mixture  
11 of fertilizer material designed for use or claimed to have value in pro-  
12 moting plant growth.

13 4. The term "commercial fertilizer" includes mixed fertilizer and  
14 fertilizer materials and fertilizer-pesticide mixtures.

15 5. The term "specialty fertilizer" means commercial fertilizer dis-  
16 tributed primarily for use on crops grown for non-commercial pur-  
17 poses such as home gardens and lawns.

18 6. The term "bulk fertilizer" shall mean commercial fertilizer de-  
19 livered to the purchaser in the solid, liquid, or gaseous state, in a non-  
20 packaged form to which a label cannot be attached.

21 7. The term "pesticide" as used in this Act means insecticides,  
22 miticides, and nemacides.

23 8. A "soil amendment" is any material not included under commer-  
24 cial fertilizer, or unmanipulated animal and vegetable manures, limes,  
25 limestones, marl, unground bone, or recognized pesticides which is  
26 added to soil or to plants for purposes of influencing the growth, yield  
27 or quality of the crop or soil flora or fauna or other soil character-  
28 istics.

29 9. The term "brand" means a term design or trademark used in  
30 connection with one or several grades of commercial fertilizer.

\*According to enrolled Act.

31 10. The term "grade" means the percentages of total nitrogen,  
32 available phosphorous\* or phosphoric acid, and soluble potassium or  
33 soluble potash stated in whole numbers in the same terms, order and  
34 percentages as in the "guaranteed analysis".

35 11. *Guaranteed Analysis: a.* The term "guaranteed analysis" shall  
36 mean the minimum percentage of plant nutrients claimed in the fol-  
37 lowing order and form:

38	Total Nitrogen (N) .....	per cent
39	Available Phosphoric Acid (P <sub>2</sub> O <sub>5</sub> ) .....	per cent
40	Soluble Potash (K <sub>2</sub> O) .....	per cent

41 *b.* The term "guaranteed analysis", in the form specified in para-  
42 graph *a* includes:

43 (1) For unacidulated mineral phosphatic materials and basic slag,  
44 both total and available phosphorous\* or phosphoric acid and the de-  
45 gree of fineness. For bone tankage and other organic phosphatic mate-  
46 rials, total phosphorous\* or phosphoric acid.

47 (2). When any such additional plant nutrient elements are claimed  
48 they shall be included in the guarantee, expressed as the element, and  
49 shall be subject to inspection and analysis in accordance with the  
50 methods and regulations that may be prescribed by the association of  
51 official agricultural chemists.

52 12. The term "official sample" means any sample of commercial fer-  
53 tilizer taken by the secretary or his agent.

54 13. The term "ton" means a net weight of two thousand pounds  
55 avoirdupois.

56 14. The term "percent" or "percentage" means the percentage by  
57 weight.

58 15. The term "person" includes individual, partnership, associa-  
59 tion, firm, and corporation.

60 16. The term "distribute" means to offer for sale, sell, barter, or  
61 otherwise supply commercial fertilizers. The term "distributor"  
62 means any person who distributes.

63 17. The term "sell" or "sale" includes exchange.

64 18. Words importing the singular number may extend and be ap-  
65 plied to several persons or things, and words importing the plural  
66 number may include the singular.

1 **SEC. 4. Registration.** 1. Each brand and grade of commercial fer-  
2 tilizer and each soil amendment shall be registered by the manufac-  
3 turer before being offered for sale, sold, or distributed in this state.  
4 The application for registration shall be submitted to the secretary on  
5 forms furnished by the secretary and shall be accompanied by a fee of  
6 one dollar (\$1.00) for each grade per brand of commercial fertilizer  
7 and for each soil amendment. Upon approval by the secretary, a copy  
8 of the registration shall be furnished to the applicant. All registra-  
9 tions expire on June 30 each year. The application shall include the  
10 following information in the following order:

- 11 *a.* The net weight.
- 12 *b.* The name and address of the registrant.
- 13 *c.* The brand.
- 14 *d.* The grade.
- 15 *e.* The guaranteed analysis.

\*According to enrolled Act.

16 2. In addition to the information required in paragraphs *a.*, *b.*, *c.*,  
17 *d.*, and *e.* in subsection one (1) of this section, applications for regis-  
18 tration of soil amendments must include the name or chemical desig-  
19 nation and content of the active ingredients.

20 3. A distributor shall not be required to register any brand and  
21 grade of commercial fertilizer which is already registered under this  
22 Act by another person.

1 SEC. 5. **Labeling.** 1. Any commercial fertilizer offered for sale or  
2 sold or distributed in this state in bags, or other containers, shall have  
3 placed on or affixed to the container in legibly written or printed form  
4 the information required by paragraphs *a.*, *b.*, *c.*, and *d.*; or *a.*, *b.*, *c.*,  
5 and *e.* of subsection one (1) of section four (4); either on tags affixed  
6 to the end of the package between the ears or on the sewed end or  
7 directly on the package.

8 2. If distributed in bulk, a written or printed statement of the  
9 weight and the information required by paragraphs *a.*, *b.*, *c.*, and *d.*;  
10 or *a.*, *b.*, *c.*, and *e.* of subsection one (1) of section (4) shall accompany  
11 delivery and be supplied to the purchaser.

12 3. Soil amendments shall be labeled in accordance with subsections  
13 one (1) and two (2) of this section and in addition shall show the  
14 name or chemical designation and content of the active ingredients.

1 SEC. 6. **Licenses.** 1. Any person who manufactures, mixes, or  
2 mixes to customer's order any fertilizer material or soil amendment  
3 offered for sale, sold, or distributed in Iowa must first obtain a license  
4 from the secretary of agriculture.

5 2. Said licensee shall at all times produce an intimate and uniform  
6 mixture of fertilizer materials or soil amendments. When two or more  
7 fertilizer materials are delivered in the same load, they shall be inti-  
8 mately and uniformly mixed unless they are in separate compart-  
9 ments.

10 3. In lieu of the guaranteed analysis, the person who mixes to the  
11 customer's order must furnish to the purchaser and consumer an  
12 invoice or delivery ticket showing the weight and guaranteed analysis  
13 of each of the fertilizer materials or soil amendments used in the  
14 intimate mixture or delivered in each of the separate compartments  
15 in the load.

16 4. Any licensee required to be licensed under subsection one (1)  
17 hereof who sells only registered grades shall pay a ten dollar (\$10.00)  
18 license fee as well as a registration fee, and all other licensees shall  
19 pay a twenty dollar (\$20.00) license fee. Said license fee shall be  
20 paid annually on July 1.

1 SEC. 7. **Fertilizer-Pesticide Mixtures.** Only those persons licensed  
2 under section six (6) of this Act shall be permitted to add insecticides  
3 or pesticides to commercial fertilizers. These persons shall at all times  
4 produce a uniform mixture of fertilizer and pesticide.

5 Each grade of fertilizer-pesticide mixture shall be registered sepa-  
6 rately and all registrations shall expire on June 30. The secretary or  
7 his agent, upon advice or recommendation of the director of the Iowa  
8 agricultural experiment station, shall prior to June 30 of each year, or  
9 as early thereafter as practicable, promulgate a list of fertilizer-  
10 pesticide mixtures adequate to meet the agricultural needs of the state.  
11 Such list is only for the guidance of manufacturers, distributors and

12 users, and additional fertilizer-pesticide mixtures may be submitted  
13 to the secretary for approval, and upon approval, shall be included in  
14 the list.

15 In addition to the information required for registration as a com-  
16 mercial fertilizer, such mixtures shall comply with the provisions of  
17 section four (4) of this Act, as well as the insecticide and fungicide  
18 act, chapter two hundred six (206), Code 1954, and the label or in-  
19 voice if sold in bulk further shall state the common name and the  
20 pounds of active ingredients of pesticides per ton of fertilizer mixture  
21 and adequate directions for its use.

22 All items required in section five (5) shall appear on the label.

1 **SEC. 8. Inspection Fees.** 1. There shall be paid by the licensee to  
2 the secretary for all commercial fertilizers and soil amendments sold,  
3 or distributed in this state, an inspection fee at the rate of ten cents  
4 (10¢) per ton: Provided, that sales for manufacturing purposes only  
5 are hereby exempted from fees but must still be reported showing  
6 manufacturer who purchased same. Payment of said inspection fee  
7 by any licensee shall exempt all other persons, firms, or corporations  
8 from the payment thereof.

9 2. Every licensee under this Act in this state shall:

10 a. File not later than the last day of January and July of each year,  
11 on forms furnished by secretary, a semiannual statement setting forth  
12 the number of net tons of commercial fertilizer or soil amendments  
13 distributed in this state by grade for each county during the preced-  
14 ing six months period; and upon filing such statement shall pay the  
15 inspection fee at the rate stated in subsection one (1) of this section.

16 If the tonnage report is not filed and the payment of inspection fees  
17 is not made within ten days after the date due, a penalty amounting  
18 to ten per cent (10%), minimum fifty dollars (\$50.00), of the amount  
19 due shall be assessed against the licensee and the amount of fees due  
20 plus penalty shall constitute a debt and become the basis of a judgment  
21 against the licensee.

1 **SEC. 9. Inspection Fund.** Fees collected for registration, licenses,  
2 inspection and analysis under sections four (4), six (6), eight (8)  
3 and twenty-one (21) of this chapter received by the secretary, shall  
4 be remitted to the treasurer of state upon receipt, and all such fees  
5 collected and remitted shall be placed in the general fund by the  
6 treasurer of state.

1 **SEC. 10. Grade List.** The secretary, upon advice or recommenda-  
2 tion by the director of the Iowa agricultural experiment station, shall,  
3 prior to June 30 of each year, or as early thereafter as practicable,  
4 promulgate a list of grades of mixed fertilizers adequate to meet the  
5 agricultural needs of the state. Such list is only for the guidance of  
6 manufacturers, distributors and users and additional fertilizer mix-  
7 tures may be submitted to the secretary for approval and upon ap-  
8 proval shall be included in the list.

1 **SEC. 11. Inspection, Sampling, Analysis.** 1. It shall be the duty of  
2 the secretary, who may act through his authorized agent, to sample,  
3 inspect, make analysis of, and test commercial fertilizers or soil  
4 amendments distributed within this state at time and place and to  
5 such an extent as he may deem necessary, to determine whether such

6 commercial fertilizers and soil amendments are in compliance with  
7 the provisions of this Act. In the performance of the foregoing duty,  
8 the secretary shall counsel with the director of the Iowa agricultural  
9 experimental station in respect to the time, place and extent of sam-  
10 pling. The secretary, individually or through his agent, is authorized  
11 to enter upon any public or private premises or conveyances during  
12 regular business hours in order to have access to commercial fertiliz-  
13 ers or soil amendments subject to the provisions of this Act and the  
14 rules and regulations pertaining thereto. It shall be the duty of the  
15 secretary to maintain a laboratory with the necessary equipment and  
16 to employ such employees as may be necessary to aid in the adminis-  
17 tration and enforcement of this Act.

18 2. The official methods of sampling and analysis prescribed by the  
19 association of official agricultural chemists shall be followed in mak-  
20 ing the chemical analysis provided for in this section and the secre-  
21 tary shall from time to time publish as a part of the regulations under  
22 this chapter, any changes that may hereafter be made in such official  
23 methods and thereafter such methods shall be followed in connection  
24 with the administration of this chapter in lieu of those previously  
25 enforced.

26 The findings of the state chemist or his deputy, as shown by the  
27 sworn statement of the results of analysis of official samples of any  
28 brand of commercial fertilizer, fertilizer material or soil amendment,  
29 shall constitute prima facie evidence of their correctness in the courts  
30 of this state, as to the particular lots sampled and analyzed.

31 3. The secretary, in determining for administrative purposes wheth-  
32 er any commercial fertilizer is deficient in plant food, or soil amend-  
33 ment deficient in guaranteed active ingredients, shall be guided solely  
34 by the official sample as defined in subsection twelve (12) of section  
35 three (3), and obtained and analyzed as provided for in subsection  
36 two (2) of section eleven (11).

37 4. The results of official analysis of any commercial fertilizer or  
38 soil amendment which has been found to be in violation of any provi-  
39 sion of this Act, shall be forwarded by the secretary to the registrant.  
40 Upon request, the secretary shall furnish to the registrant a portion  
41 of any such sample.

1 **SEC. 12. Filler Material.** It shall be unlawful for any person to  
2 manufacture, offer for sale or sell in this state, any commercial fer-  
3 tilizer, fertilizer material or soil amendment containing any substance  
4 used as a filler that is injurious to crop growth or deleterious to the  
5 soil, or to use in such commercial fertilizer, fertilizer material or soil  
6 amendment as a filler any substance that contains inert plant food  
7 material for the purpose or with the effect of deceiving or defrauding  
8 the purchaser.

1 **SEC. 13. False or Misleading Statements.** A commercial fertilizer  
2 or soil amendment is misbranded if it carries any false or misleading  
3 statement upon or attached to the container or stated on the invoice  
4 or delivery ticket, or if false or misleading statements concerning its  
5 agricultural value are made on the container or on the invoice or  
6 delivery ticket, or in any advertising matter whatsoever connected  
7 with accompanying or associated with the commercial fertilizer or  
8 soil amendment. It shall be unlawful to distribute a misbranded com-  
9 mercial fertilizer or soil amendment.

1     **SEC. 14. Reports and Publications.** The secretary shall publish at  
2 least annually, in such forms as he may deem proper, information  
3 concerning the sales of commercial fertilizers, together with such data  
4 on their production and use as he may consider advisable. The secre-  
5 tary shall report semiannually by counties the results of the analysis  
6 based on official samples taken of commercial fertilizers sold within  
7 the state as compared with the analyses guaranteed under section four  
8 (4) and section five (5) together with name and address of the manu-  
9 facturer, and name and address of the owner or custodian of such  
10 commercial fertilizer at the time the official sample was taken. A copy  
11 of this semiannual report by individual counties will be mailed by the  
12 secretary to each corresponding county extension director in the state.

1     **SEC. 15. Rules and Regulations.** For the enforcement of this Act,  
2 the secretary is authorized to prepare and issue such rules and regu-  
3 lations relating to the manufacture and the distribution of commercial  
4 fertilizers and soil amendments as he may find necessary to carry into  
5 effect the full intent and meaning of this Act.

1     **SEC. 16. Cancellation of Registrations and Licenses.** The secre-  
2 tary is authorized and empowered to cancel the registration of any  
3 brand of commercial fertilizer or soil amendment or license or to re-  
4 fuse to register any brand of commercial fertilizer or soil amendment  
5 or refuse to license any applicant as herein provided, upon satisfac-  
6 tory evidence that the registrant or licensee has used fraudulent or  
7 deceptive practices in the evasion or attempted evasion of the provi-  
8 sions of this Act or any rules and regulations promulgated thereunder:  
9 Provided, that no registration or license shall be revoked or refused  
10 until the registrant or licensee shall have been given the opportunity  
11 to appear for a hearing by the secretary.

1     **SEC. 17. "Stop Sale" Orders.** The secretary may issue and enforce  
2 a written or printed "stop sale, use or removal" order to the owner  
3 or custodian of any lot of commercial fertilizer or soil amendment,  
4 and to hold at a designated place when the secretary finds said com-  
5 mercial fertilizer or soil amendment is being offered or exposed for  
6 sale in violation of any of the provisions of this Act until the law has  
7 been complied with and said commercial fertilizer or soil amendment  
8 is released in writing by the secretary or said violation has been other-  
9 wise legally disposed of by written authority, and all costs and ex-  
10 penses incurred in connection with the withdrawal have been paid.

1     **SEC. 18. Seizure, Condemnation, and Sale.** Any lot of commercial  
2 fertilizer or soil amendment not in compliance with the provisions of  
3 this Act shall be subject to seizure on complaint of the secretary to a  
4 court of competent jurisdiction in the county or adjoining county in  
5 which said commercial fertilizer or soil amendment is located. In the  
6 event the court finds the said commercial fertilizer or soil amendment  
7 to be in violation of this Act and orders the condemnation of said  
8 commercial fertilizer or soil amendment, it shall be disposed of in any  
9 manner consistent with the quality of the commercial fertilizer or soil  
10 amendment and the laws of the state: Provided, that in no instance  
11 shall the disposition of said commercial fertilizer or soil amendment  
12 be ordered by the court without first giving the claimant an oppor-  
13 tunity to apply to the court for release of said commercial fertilizer

14 or soil amendment or for permission to reprocess or relabel said com-  
15 mercial fertilizer or soil amendment to bring it into compliance with  
16 this Act.

1 SEC. 19. **Violations.** 1. If it shall appear from the examination of  
2 any commercial fertilizer or soil amendment that any of the provisions  
3 of this Act or the rules and regulations issued thereunder have been  
4 violated, the secretary shall cause notice of the violations to be given  
5 to the registrant, distributor, or possessor from whom said sample  
6 was taken; any person so notified shall be given opportunity to be  
7 heard under such rules and regulations as may be prescribed by the  
8 secretary. If it appears after such hearing, either in the presence or  
9 absence of the person so notified, that any of the provisions of this  
10 Act or rules and regulations issued thereunder have been violated, the  
11 secretary may certify the facts to the proper prosecuting attorney.

12 2. Any person convicted of violating any provision of this Act or  
13 the rules and regulations issued thereunder shall be punished by a fine  
14 of not less than one hundred dollars (\$100.00) nor more than two  
15 hundred and fifty dollars (\$250.00).

16 3. Nothing in this Act shall be construed as requiring the secretary  
17 or his representative to report for prosecution or for the institution  
18 of seizure proceedings minor violations of the Act when he believes  
19 that the public interest will be best served by a suitable notice of  
20 warning in writing.

21 4. It shall be the duty of each county attorney to whom any violation  
22 is reported, to cause appropriate proceedings to be instituted and  
23 prosecuted in a court of competent jurisdiction without delay.

24 5. The secretary is hereby authorized to apply for and the court to  
25 grant a temporary or permanent injunction restraining any person  
26 from violating or continuing to violate any of the provisions of this  
27 Act or any rule or regulation promulgated under the Act notwith-  
28 standing the existence of other remedies at law, said injunction to be  
29 issued without bond.

1 SEC. 20. **Exchanges Between Manufacturers.** Nothing in this Act  
2 shall be construed to restrict or avoid sales or exchanges of commer-  
3 cial fertilizers or soil amendments to each other by importers, manu-  
4 facturers, or manipulators who mix fertilizer materials for sale or as  
5 preventing the free and unrestricted shipments of commercial fer-  
6 tilizer or soil amendment to manufacturers or manipulators who have  
7 registered their brands as required by the provisions of this Act.

1 SEC. 21. **Analysis of Commercial Fertilizers — Fee.** Any person  
2 purchasing any commercial fertilizers in this state for his own use  
3 may submit without charge, two (2) fair samples of said commercial  
4 fertilizers stating the guaranteed analysis as set forth in section three  
5 (3), subsection eleven (11), paragraph *a*, of this Act within any six-  
6 (6) month period to the secretary with any additional samples ac-  
7 companied by an analysis fee for each sample of:

8 1. One dollar (\$1.00) for total nitrogen.

9 2. Two dollars (\$2.00) for available phosphoric acid or phosphor-  
10 ous.\*

11 3. Two dollars (\$2.00) for soluble potash or potassium. A proper  
12 analysis of the same shall be made and furnished in writing as to said

\*According to enrolled Act.

13 guaranteed analysis as set forth in section three (3), subsection eleven  
14 (11), paragraph *a*, of this Act.

1 SEC. 22. **Constitutionality.** If any clause, sentence, paragraph, or  
2 part of this Act shall for any reason be judged invalid by any court of  
3 competent jurisdiction, such judgment shall not affect, impair, or  
4 invalidate the remainder thereof, but shall be confined in its operation  
5 to the clause, sentence, paragraph, or part thereof directly involved in  
6 the controversy in which such judgment shall have been rendered.

1 SEC. 23. **Repeal.** Chapter two hundred (200), Code 1954, as  
2 amended by chapter one hundred seventeen (117), Acts of the Fifty-  
3 sixth General Assembly, is hereby repealed.

1 SEC. 24. **Repeal.** All laws and parts of laws in conflict with or  
2 inconsistent with the provisions of this Act are hereby repealed.

Approved April 15, 1957.

## CHAPTER 104

### NARCOTIC DRUGS

H. F. 390

AN ACT relating to the regulation of narcotic drugs.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two hundred four point one (204.1), Code  
2 1954, is amended as follows:

3 1. By inserting in subsection fifteen (15), line three (3) thereof,  
4 after the word, "keto-bemidone" the words, "alphaprodine hydro-  
5 chloride,".

6 2. By adding a new subsection as follows:

7 "Alphaprodine hydrochloride" means any substance identified  
8 chemically as dl-alpha-1, 3-dimethyl-4-phenyl-4-propionoxy-piperidine  
9 hydrochloride, or any derivative thereof, by whatever trade name  
10 designated."

1 SEC. 2. Chapter two hundred four (204), Code 1954, is amended  
2 by adding the following new section:

3 "The Iowa pharmacy examiners shall have power to adopt, amend,  
4 promulgate and enforce such reasonable rules, regulations and stand-  
5 ards as may be required to accomplish the purposes of this chapter.  
6 Such rules, regulations and standards shall not be inconsistent with  
7 the rules and regulations of the federal commissioner of narcotics."

1 SEC. 3. Section two hundred four point twenty (204.20), Code  
2 1954, is amended by adding thereto the following:

3 "Officers, agents, inspectors and representatives of the Iowa phar-  
4 macy examiners shall have the powers of and status as peace officers  
5 when enforcing the provisions of this chapter."

Approved April 10, 1957.